



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

AUG - 7 2014

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John Horrell
Water Plant Superintendent
John T. Pray Water Treatment Plant
600 Phinney Park Drive
Fort Dodge, Iowa 50501

Re: John T. Pray Water Treatment Plant, Fort Dodge, Iowa
Opportunity for Pre-Filing Negotiations

Dear Mr. Horrell:

On August 27-28, 2013, the U.S. Environmental Protection Agency, Region 7 conducted an inspection at the John W. Pray Water Treatment Plant located in Fort Dodge, Iowa, to determine its compliance with the requirements of the Clean Air Act, and specifically with the Risk Management Program, 40 C.F.R. Part 68, which implements Section 112(r)(7).

Violations of the CAA 112(r)(7) Risk Management Program

Several violations of CAA 112(r)(7) requirements were observed during the EPA's inspection, and a review of John W. Pray Water Treatment Plant documents and process equipment revealed the following deficiencies:

1. John W. Pray Water Treatment Plant failed to develop a management system to oversee the implementation of the risk management program elements, assign a qualified person or position that has overall responsibility for the RMP, and document persons or positions, other than the qualified individual, who have been assigned responsibilities for implementing elements per 40 CFR 68.15(a-c).
2. John W. Pray Water Treatment Plant failed to review and update the offsite consequence analyses at least once every five years per 40 CFR 68.36(a).
3. John W. Pray Water Treatment Plant failed to maintain the records for the offsite consequences analyses per 40 CFR 68.39(a-e).
4. John W. Pray Water Treatment Plant failed to complete a compilation of written process safety information pertaining to the technology of the process that included process chemistry and consequences of deviation per 40 CFR 68.65(c)(1)(ii & v).

5. John W. Pray Water Treatment Plant failed to complete a compilation of written process safety information pertaining to the equipment in the process that included documentation that the equipment complies with recognized and generally accepted good engineering practices per 40 CFR 68.65(d)(2).
6. John W. Pray Water Treatment Plant failed to establish a system to promptly address the process hazard analysis team's findings and recommendations; assure that the recommendations are resolved in a timely manner and that the resolution is documented; document what actions are to be taken; complete actions as soon as possible; develop a written schedule of when these actions are to be completed and communicate the actions to operating, maintenance, and other employees whose work assignments are in the process and who may be affected by the recommendations or actions per 40 CFR 68.67(e).
7. John W. Pray Water Treatment Plant failed to update and revalidate the initial process hazard analysis at least every five years after its completion by a team meeting the requirements in 68.67(d) to assure that the process hazard analysis is consistent with the current process per 40 CFR 68.67(f).
8. John W. Pray Water Treatment Plant failed to retain all PHAs and updates as well as resolutions for the life of the process per 40 CFR 68.67(g).
9. John W. Pray Water Treatment Plant failed to develop and implement written operating procedures that provided clear instructions for safely conducting activities involved in the covered process that addressed each operating phase, operating limits, safety and health considerations, and safety systems per 40 CFR 68.69(a)(1-4).
10. John W. Pray Water Treatment Plant failed to certify annually that the operating procedures are current and accurate per 40 CFR 68.69(c).
11. John W. Pray Water Treatment Plant failed to develop and implement safe works practices to provide for opening process equipment or piping and control over entrance into a stationary source by maintenance, contractors, laboratory, or other support personnel per 40 CFR 68.69(d).
12. John W. Pray Water Treatment Plant failed to provide refresher training at least every three years, and prepare a record which contains the identity of the employee, the date of training and the means used to verify that the employee understood the training per 40 CFR 68.71(b-c).
13. John W. Pray Water Treatment Plant failed to establish and implement written procedures to maintain the ongoing integrity of process equipment per 40 CFR 68.73(b).
14. John W. Pray Water Treatment Plant failed to document each inspection and test that has been performed on process equipment. The documentation did not identify the date of the inspection or test, the name of the person who performed the inspection or test, the serial number or other identifier of the equipment on which the test or inspection was performed, a description of the

test or inspection and the results of the inspection or test per 40 CFR 68.73(d)(4).

15. John W. Pray Water Treatment Plant failed to assure that the construction of new plants and equipment, as it is fabricated, is suitable for the process application for which they will be used. There was also a failure to perform appropriate checks and inspections to assure that equipment was installed properly and consistent with design specifications and the manufacturer's instructions per 40 CFR 68.73(f)(1&2).

16. John W. Pray Water Treatment Plant failed to establish and implement written procedures to manage changes to process chemicals, technology, equipment, and procedures; and changes to stationary sources that affect a covered process and other elements of 40 CFR 68.75(a-e).

17. John W. Pray Water Treatment Plant failed to perform a pre-startup safety review for modified stationary sources when the modification was significant enough to require a change in the process safety information and other elements of 40 CFR 68.77(a-b).

18. John W. Pray Water Treatment Plant failed to certify they have evaluated compliance with the provisions of Subpart D at least every three years to verify that procedures and practices developed under this subpart are adequate and are being followed. They also failed to have an audit conducted by at least one person knowledgeable in the process; develop a report of the findings; promptly determine and document an appropriate response to the findings; document that deficiencies have been corrected and retain the two most recent compliance audit reports per 40 CFR 68.79(a-e).

19. John W. Pray Water Treatment Plant failed to prepare an investigation report at the conclusion of an incident investigation that included at a minimum the date of the incident, date investigation began, description of the incident, factors that contributed to the incident and any recommendations resulting from the investigation. They also failed to establish a system to promptly address and resolved any incident report findings; document any resolutions and corrective actions; review the report with all affected personnel and retain any reports for five years per 40 CFR 68.81(d-g).

20. John W. Pray Water Treatment Plant failed to develop a written plan of action regarding the implementation of the employee participation required per 40 CFR 68.83(a).

21. John W. Pray Water Treatment Plant failed to issue hot work permits for such work near covered processes per 40 CFR 68.85(a).

22. John W. Pray Water Treatment Plant failed to develop and implement safe work practices consistent with 68.69(d) to control the entrance, presence, and exit of the contract owner or operator and contract employees in covered process areas per 40 CFR 68.87(b)(4).

23. John W. Pray Water Treatment Plant failed to provide an executive summary in the RMP that included a brief description of planned changes to improve safety per 40 CFR 68.155(f).

24. John W. Pray Water Treatment Plant failed to review and update the RMP at least once every five years from the date of its initial submission or most recent update required by 68.190(b)(2-7) per 40 CFR 68.190(b)(1).

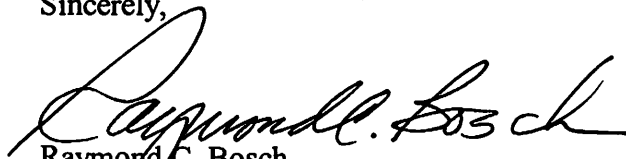
It is the EPA's intent to proceed with the filing of an administrative compliance order addressing the above violations within the next 60 days, and potentially follow such an order with the assessment of a civil penalties.

60-Day Pre-Filing Negotiations

Although the EPA has not yet filed an administrative order to John T. Pray Water Treatment Plant, EPA's intent is to do so sometime within the next 60 days. By this letter, EPA is offering John T. Pray Water Treatment Plant an opportunity to negotiate a resolution of this matter prior to the EPA's issuance of an administrative compliance order. If we are unable to resolve the matter within 60 days of your receipt of this letter, the agency intends to file a formal administrative compliance order in which the terms of this offer will no longer be available.

Your immediate attention to this matter is greatly appreciated. If you have any questions, please do not hesitate to contact me at 913-551-7501.

Sincerely,

A handwritten signature in black ink, appearing to read "Raymond C. Bosch". The signature is fluid and cursive, with the first name "Raymond" being the most prominent part.

Raymond C. Bosch
Assistant Regional Counsel